



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**AUG 25 2016**

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

Article Number: 7014 1200 0000 6124 8189

Ms. Amanda Snyder  
Accounting and Human Resources Manager  
Mid-States Engineering and Manufacturing  
P.O. Box 100  
Milton, Iowa 52570

RE: Mid-States Engineering and Manufacturing  
509 East Maple Street  
Milton, Iowa  
RCRA ID No.: None

Dear Ms. Snyder:

**Letter of Warning/Request for Information**

On March 23, 2016, a representative of the U.S. Environmental Protection Agency inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act.

My staff has reviewed the inspection report and your April 14, 2016, response to the Notice of Preliminary Findings and your May 6, 2016, email which provided analytical results. Based on these reviews, we have determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



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Within 30 calendar days of receiving this letter, please mail your response to: Kevin D. Snowden, U.S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Mr. Snowden, of my staff, at (913) 551-7022 or at [snowden.kevin@epa.gov](mailto:snowden.kevin@epa.gov).

Sincerely,



Mary Goetz  
Branch Chief  
Waste Enforcement and Materials Management  
Branch  
Air and Waste Management Division

Enclosures (3)

cc: Amie Davidson, Chief, Contaminated Sites Section  
Iowa Department of Natural Resources

Notice of Violation  
Mid-States Engineering and Manufacturing  
Milton, Iowa  
RCRA ID No.: None

1. Title 40 Code of Federal Regulations 279.22 – Failure to label or mark used oil containers with the words, “USED OIL”.
2. 40 CFR 262.11 – Failure to conduct hazardous waste determinations on the following waste streams:
  - a. \*broken fluorescent lamps stored in a 55-gallon container located in the maintenance shop;
  - b. soiled shop rags that are used to wipe parts and components with toluene, xylene, and other solvents at your facility that are laundered by Aramark;
  - c. waste aerosol cans disposed in the trash;
  - d. “COOKIES” generated from the solvent reclamation unit that are being managed as non-hazardous waste, non-Department of Transportation regulated “special waste”;
  - e. \*\*waste solvent;
  - f. \*\*waste paint;
  - g. \*\*waste painting booth filters; and
  - h. \*\*painting booth floor sweep.
3. 40 CFR 262.34(c)(1)(ii) – Failure to mark containers either with the words, “Hazardous Waste” or with other words that identify the contents of the containers.
4. 40 CFR 262.34(c)(1)(i) incorporating 40 CFR 265.173(a) – Failure to keep satellite accumulation containers of hazardous waste located in and near the Mac-Lander painting booth closed.
5. 40 CFR 262.34(a)(2) – Failure to clearly mark and make visible for inspection on each container, the date upon which each period of accumulation begins.
6. 40 CFR 262.34(a)(3) – Failure to mark containers of hazardous waste with the words, “Hazardous Waste.”
7. 40 CFR 262.34(a)(4) referencing 40 CFR 265.34 – Failure to have immediate access to an internal alarm or emergency communication device that is capable of summoning emergency assistance to the hazardous waste container accumulation area.
8. 40 CFR 262.34(d)(5)(ii) – Failure to post the following information next to the telephone:
  - a. the name and telephone number of the emergency coordinator;
  - b. location(s) of the fire extinguishers and spill control material, and if present, fire alarm; and
  - c. the telephone number of the fire department, unless the facility has a direct alarm.

9. \*\*40 CFR 262.34(d) – Accumulating hazardous waste for more than 180 days without a permit or without having interim status.
  10. \*\*RCRA Section 3005 – Illegal disposal of hazardous waste into the general trash.
  11. \*\*40 CFR 262.12(a) – Failure of a generator who is treating, storing, disposing of, transporting, or offering for transport hazardous waste without having received an EPA identification number from the Administrator.
- \* – Mid-States Engineering and Manufacturing’s response to the NOPF dated April 14, 2016, adequately responded to this violation.
  - \*\* – This violation was added following the RCRA inspection.

Requested Information  
Mid-States Engineering and Manufacturing  
Milton, Iowa  
RCRA ID No.: None

1. Please identify all persons responding to the questions in this letter. Please include names, titles, and telephone numbers, if different from the facility's telephone number.
2. Please respond to each violation listed in the Notice of Violation. Your responses should include documentation, photographs, drawings, etc., which provide proof of your facility's compliance with the RCRA requirements. Each of your responses should include the date that your facility achieved compliance with the cited violation. Your responses should also indicate what actions your facility has taken to ensure that each of the cited violations do not occur in the future. In addition to responding to each violation in the NOV, you are required to respond to the following items.
3. With respect to Violation No. 1, your facility's April 14, 2016, response provided photographs showing one, 55-gallon steel container that was correctly labeled with the words, "USED OIL." However, at the time of the March 23, 2016, RCRA inspection, the EPA inspector observed six, full five-gallon containers of used oil that were not labeled as required. Please provide photographs showing that the six, full five-gallon containers of used oil that were observed during the inspection have also been properly labeled. If these containers of used oil have been shipped from your facility, please provide documentation showing that the used oil has been properly managed (i.e., disposed, recycled, etc.).
4. With respect to Violation No. 2 (items c., d., e., f., g., and h.), please provide the following information concerning your hazardous waste determination on each waste stream prior to any of these waste streams being combined/mixed:
  - a. a determination of whether or not the waste has been excluded from regulation under 40 CFR Part 261.4;
  - b. a determination of whether or not the waste has been listed as a hazardous waste in Subpart D of 40 CFR Part 261. **If the waste is a listed hazardous waste, please provide the listed waste code(s) in your response;** and
  - c. a determination of whether or not the waste is identified in 40 CFR Part 261 Subpart C. To determine whether the waste exhibits any of the hazardous characteristics in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of 40 CFR Part 261, or by applying knowledge of the waste characteristics based upon the materials or processes used. Any laboratory analyses used to make this determination must be provided to the EPA as well as a detailed description as to how each sample was taken. **If the waste is a characteristic hazardous waste, please provide the characteristic waste code(s) in your response.**
  - d. If your facility elects to apply knowledge to make a waste determination of the waste streams identified above, you must provide a detailed explanation and your reasoning regarding the basis for this determination. **Also, if you apply knowledge to make the waste determination, please include all hazardous waste codes for the waste in your response.**

- e. For each waste stream determined to be a hazardous waste, please provide your facility's monthly hazardous waste generation rate.
- f. For each waste stream determined to be a hazardous waste, please provide the amount of waste that your facility has in storage or has shipped offsite since the March 23, 2016 inspection.
- g. Please provide manifests, bills of lading, receipts, etc., for each waste stream that was shipped offsite during the three (3) years prior to the March 23, 2016, inspection. Your response should indicate the amount of each waste shipped during these three (3) years.
- h. Please provide manifest, bills of lading, receipts, etc., for each waste stream that has been shipped offsite since the March 23, 2016, inspection. Your response should indicate the amount of each waste shipped.

5. With respect to Violation No. 2.b., the EPA's RCRA inspection report (page 7) indicated that the soiled shop rags:

- are soiled with hydraulic fluid, dirt, and grease that is cleaned from the surfaces of machinery;
- contain toluene that is used as a solvent to pretreat and clean items to be painted; and
- contain xylene that is used as a solvent to wipe and clean the tips of paint guns used in the Mac-Lander painting booth area.

Based on the observations made during the RCRA inspection, the EPA believes that these wipes would be a RCRA listed hazardous waste and would have the associated waste codes of F003 and F005 since toluene and xylene are used as solvents. In addition to the toluene and xylene, your facility's April 14, 2016, response indicated that your facility is also using acetone as a solvent and that Aramark launders the wipes.

On July 31, 2013, the EPA issued a final rule that modified the hazardous waste management regulations for solvent-contaminated wipes under RCRA. Specifically, this rule revised the definition of solid waste to conditionally exclude solvent-contaminated wipes that are cleaned and reused and revised the definition of hazardous waste to conditionally exclude disposable solvent-contaminated wipes. Information concerning this rule is provided at the following web address:

<https://www.epa.gov/hwgenerators/final-rule-2013-conditional-exclusions-solid-waste-and-hazardous-waste-solvent>

Therefore, please provide the following information regarding your facility's soiled shop rags:

- a. provide a hazardous waste determination as described in items 4.a., 4.b, 4.c., and 4.d. of this Request for Information (please note that testing for RCRA metals may be necessary using the toxicity characteristic leaching procedure even if your facility applies knowledge in making its hazardous waste determination and even if your facility chooses to manage this waste stream under the conditionally excluded solvent-contaminated wipe rule);

- b. indicate how your facility will manage this waste stream in the future based on your waste determination (i.e., as a hazardous waste, conditionally excluded solvent-contaminated wipes, and/or a nonhazardous waste);
  - c. if your facility determines that the soiled shop rags are a hazardous waste and your facility plans on managing this waste stream as a hazardous waste, please provide information in accordance with items 4.e., 4.f., and 4.g.;
  - d. if your facility determines that the soiled shop rags are a hazardous waste and your facility plans on managing the soiled shop rags waste stream under the EPA's conditionally excluded solvent-contaminated wipe rule, please demonstrate and/or provide documentation (as it applies) that:
    1. the soiled shop rags do not exhibit the characteristic of toxicity, corrosivity, or reactivity due to non-listed solvents or contaminants other than solvents;
    2. the soiled shop rags do not contain listed hazardous waste other than solvents;
    3. that the soiled shop rags are being accumulated, stored, and transported in non-leaking, closed containers that can contain free liquids, should they occur;
    4. the soiled shop rags are stored in containers that are properly labeled with the words, "Excluded Solvent-Contaminated Wipes";
    5. the soiled shop rags are being accumulated up to 180 days or less from the start date of accumulation prior to being sent for cleaning or disposal;
    6. your facility is maintaining documentation that includes:
      - name and address of the laundry, dry cleaner, landfill, or combustor,
      - documentation that the 180-day accumulation time limit is being met, and
      - a description of the process the generator is using to meet the "no free liquids" condition;
    7. your facility is managing any free liquids removed from the soiled shop rags or from the soiled shop rags container in accordance with the applicable hazardous waste regulations in 40 CFR parts 260 through 273; and
    8. your facility is sending its soiled shop rags to a laundry or dry cleaner whose discharge, if any, is regulated under Clean Water Act Sections 301 and 402, or Section 307.
6. With respect to Violation Nos. 3 and 4, the RCRA inspection report identified two satellite accumulation areas at your facility that had containers that were not marked either with the words, "Hazardous Waste" or with other words that identify the contents of the containers and/or noted that the satellite accumulation containers were not closed. More specifically, two, 55-gallon containers observed in the East Building painting area (RCRA inspection report, photographs Nos. 15 and 16) and two, 55-gallon containers and two, 5-gallon containers observed in the Mac-Lander painting area (photographs 17, 18, 20, and 21). Your facility's April 14, 2016, response provided two photographs that responded to these violations. The photographs showed two, 55-gallon containers that were closed and labeled with the words "USED PAINT WASTE" and "USED PAINT." Your April 14, 2016, response indicated that these 55-gallon containers were outside of the paint booth; however, it is not known whether these containers were located in the East Building painting area and/or the Mac-Lander painting area. Please provide photographs of all satellite accumulation containers that are present in these areas. Please include a map which identifies where these containers are located and where the

wastes that are accumulated in these containers are generated. If your facility no longer uses any these containers, please provide a statement concerning when you stopped using these containers.

7. With respect to Violation Nos. 5 and 6, the RCRA inspection report noted that there were 23, 55-gallon containers of "SLUDGE" and seven (7), 55-gallon containers of "COOKIES" located inside/near the Hazardous Waste Container Accumulation Area. In addition, there was one, 55-gallon container of "SLUDGE" at the Mac-Lander painting booth. These containers were not clearly marked with an accumulation start date and were not marked with the words, "Hazardous Waste." Your facility's April 14, 2016, response only provided three photographs showing several 55-gallon containers that your facility indicated addressed these violations. One photograph showed a 55-gallon container that had an accumulation start date of "3-23-2016" (the date of the RCRA inspection) and that the container was labeled with the words, "Hazardous Waste." The other two photographs each showed a 55-gallon container that was labeled with the words, "Hazardous Waste" but did not show any accumulation start date. Your response to these two violations should provide documentation that all of the containers observed during the RCRA inspection have been labeled and dated correctly.
8. With respect to Violation No. 7, the RCRA inspection report documented that your facility did not have immediate access to an internal alarm or emergency communication device that was capable of summoning emergency assistance to the Hazardous Waste Container Accumulation Area (HWCAA). Your April 14, 2016, response provided a photograph showing a bell mounted on a post that requires a person to ring it by hand. The requirements found at 40 CFR 265.34 reference the requirements found at 40 CFR 265.32 which provide a list of the required communication equipment necessary to address this violation. Please provide photographs and documentation (i.e., receipts, bills, invoices, work orders, purchase orders, etc.) demonstrating that your facility has installed an appropriate communications device that will meet the requirements shown in 40 CFR 265.32.
9. With respect to Violation No. 8, the RCRA inspection report noted that your facility did not have any of the required information posted next to the facility telephone. Your facility's April 14, 2016, response provided a two-page document titled, "Emergency Action Procedures – Effective April 1, 2016." The "Emergency Action Procedures – Effective April 1, 2016" document addressed some but not all of the cited requirements. Therefore, please provide the following information to fully address this violation:
  - a. Clearly illustrate the name(s) of the "Emergency Coordinator" on the Emergency Action Procedures document. The facility person who needs to be contacted in the event of an emergency at the facility should be listed as the "Emergency Coordinator" on this document. In addition, if there is more than one person who is an "Emergency Coordinator," please list each person as a "Primary Emergency Coordinator," "Secondary Emergency Coordinator," etc. Your response to this letter should provide a revised copy of your "Emergency Action Procedures" document which demonstrates your facility's compliance with this RCRA requirement.



- b. The Emergency Action Procedures document mentions the use of spill control equipment but fails to show the location of the spill control equipment on the map. The location of the spill control equipment should be clearly shown on this map. Your response to this letter should provide a revised copy of the Emergency Action Procedures document which demonstrates your facility's compliance with this RCRA requirement.
  - c. The Emergency Action Procedures document lists "911" as an emergency number. However, it is not clear whether "911" will summon the fire department. Therefore, please indicate whether "911" will summon the fire department and if so, list the fire department with the "911" number. If "911" does not summon the fire department, please ensure that the fire department's telephone number is included on this document. Your response to this letter should provide a revised copy of the Emergency Action Procedures document which demonstrates your facility's compliance with this RCRA requirement.
  - d. Please provide a photograph documenting that the Emergency Action Procedures document has been posted next to the facility's telephone that is closest to the HWCAA.
12. With respect to Violation Nos. 9 and 10, please provide the following information concerning the containers that were observed at the HWCAA:
- a. indicate the date when your facility began storing the 23, 55-gallon containers of "SLUDGE" and the seven (7), 55-gallon containers of "COOKIES" that were observed at the HWCAA during the March 23, 2016, RCRA inspection;
  - b. indicate your facility's plans to manage the 23, 55-gallon containers of "SLUDGE" and the seven (7), 55-gallon containers of "COOKIES" that were observed during the March 23, 2016 RCRA inspection at the HWCAA in accordance with the RCRA requirements;
  - c. indicate amount of waste (i.e., pounds, kilograms, gallons, etc.) that was stored in the 23, 55-gallon containers of "SLUDGE" and the seven (7), 55-gallon containers of "COOKIES" that were observed at the HWCAA at the time of the March 23, 2016, RCRA inspection;
  - d. indicate the total amount of all waste streams (i.e., pounds, kilograms, gallons, etc.) that are currently stored in the HWCAA and provide photographs of the containers at the HWCAA;
  - e. indicate whether the 23, 55-gallon containers of "SLUDGE" and the seven (7), 55-gallon containers of "COOKIES" that were observed at the HWCAA at the time of the March 23, 2016, RCRA inspection are still in storage at the HWCAA or if these containers have been shipped offsite;
  - f. provide all receipts, bills of lading, manifests, etc., for the "SLUDGE" and "COOKIE" wastes that were shipped from the facility during the three years prior to the March 23, 2016, RCRA inspection; and
  - g. provide all receipts, bills of lading, manifests, etc., for the "SLUDGE" and "COOKIE" wastes that were shipped from the facility following the March 23, 2016, RCRA inspection.

13. With respect to Violation No. 11, the RCRA CEI Report documented that the Mid-States Engineering and Manufacturing facility is at the very least a RCRA small quantity generator and perhaps a RCRA large quantity generator. Therefore, please verify your facility's current total hazardous waste generation rate and the hazardous waste generation rate for each specific hazardous waste stream, and provide this information with your response. The RCRA requirements at 40 CFR 262.12(a) require a generator who is treating, storing, disposing of, transporting, or offering for transport hazardous waste to contact the EPA and receive an EPA identification number. If you are required to obtain an EPA identification number based on your generation rate, you may contact Ms. Colleen Thomas for assistance at (913)551-7182, or by email at [thomas.colleen@epa.gov](mailto:thomas.colleen@epa.gov).
14. With regards to your facility's solvent reclamation system used to process your facility's SLUDGE waste stream, please provide the following information:
- a. indicate how often (i.e., four times each week, during each shift, etc.) the solvent reclamation system is operated to process the SLUDGE waste stream;
  - b. indicate the total operational time required by the solvent reclamation system (i.e., eight hours, etc.) to process the SLUDGE waste stream each time it is operated;
  - c. indicate the total amount of the SLUDGE waste stream (in gallons) that your facility is able to process through the solvent reclamation system each time it is operated and also on a monthly basis;
  - d. indicate the total amount of solvent (in gallons or pounds) that you are able to reclaim each time you operate the solvent reclamation system and on a monthly basis;
  - e. indicate the total amount of COOKIES (in pounds) that your facility's solvent reclamation system generates each time and on a monthly basis it processes the SLUDGE waste stream;
  - f. photograph showing the approximate size of an average COOKIE generated by your facility's solvent reclamation system;
  - g. indicate the approximate number of COOKIES generated by your facility's solvent recovery system that are required to fill a 55-gallon container;
  - h. indicate the total amount of solvent that is being used in your facility's processes at any given time;
  - i. indicate on a monthly basis, the approximate number of times the onsite solvent at your facility is processed as the SLUDGE waste stream through your facility's solvent reclamation system (i.e., once a month, twice a month, once every two months, etc.);
  - j. all documentation (i.e., logbooks, forms, EXCEL spreadsheets, etc.) showing the amounts of solvent (e.g., SLUDGE) that your facility has processed through the solvent reclamation system during the three years prior to the March 23, 2016 EPA RCRA inspection;
  - k. all documentation (i.e., logbooks, forms, EXCEL spreadsheets, etc.) showing the amounts of COOKIES that were generated by the solvent reclamation system during the three years prior to the March 23, 2016 EPA RCRA inspection;
  - l. all documentation (i.e., purchase orders, receipts, bills of lading, etc.) showing the amounts of each solvent (i.e., xylene, toluene, "Paint Prep Wax and Grease Remove," etc.) that were purchased by your facility during the three years prior to the March 23, 2016 EPA RCRA inspection; and
  - m. the approximate amounts of new solvent (i.e., xylene, toluene, "Paint Prep Wax and Grease Remove," etc.) put into your facility's processes on a monthly basis.

### 3007 RESPONSE INSTRUCTIONS

- Identify the Person(s) responding to this request on your behalf.
- Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- For each numbered item, identify all persons consulted in the preparation of the answer.
- For purposes of this request, the term “you” or “your” refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as “trade secret,” “proprietary,” or “company confidential.”
- The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at [www.epa.gov/epahome/cfr40.htm](http://www.epa.gov/epahome/cfr40.htm).
- This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties assessed per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.

